



BOARD FOOT NOTES

Texas State Board of Podiatric Medical Examiners; P.O. Box 12216; Austin, Texas 78711-2216



NEW EXECUTIVE DIRECTOR

Jim Zukowski, Ed.D., is the new executive director for the board office. Dr. Zukowski has over 29 years of state experience, including more than 10 years as director of the professional licensing unit for the Texas Department of State Health Services (formerly the Texas Department of Health.) In that capacity, he directed the operation of over 20 regulatory licensing programs which includes 11 licensing boards having governor-appointed board members. He is well versed in professional regulatory issues and has participated in numerous reviews by the Sunset Advisory Commission, State Auditor's Office and the Governor's Office.

Prior to his regulatory experience, Dr. Zukowski was located at the University of Texas at Austin and Texas A & M-Commerce, formerly known as East Texas State University. His background



Jim Zukowski, Ed.D.

and education include a doctorate in Measurement and Evaluation, with a minor in Business Administration. A native of Indiana, Jim came to Texas via the U.S. Air Force, where he served as an English Language Instructor to Vietnamese Air Force Pilots and a course developer for Security Police and Law Enforcement Training.

Dr. Zukowski can be reached @ 512/475-3301.

SPECIAL POINTS OF INTEREST:

- Meet our New Executive Director Jim Zukowski, Ed.D.
- Thomson Prometric will now replace The Chauncey Group International.
- Jurisprudence Exam could be given in different parts of Texas and more times per year.
- Check out our re-designed website @ www.foot.state.tx.us (512) 305-7000

SUNSET REVIEW

Our board has been involved in the sunset review process since last year. Simply stated, the sunset review process is a legislative requirement for all state agencies. Every 12 years, the sunset advisory commission reviews a state agency to determine whether or not the agency is achieving its statutory mission. Beginning with a self-evaluation report submitted by the board office, the process entails an exhaustive review of licensing activities by sunset commission staff, followed by a report describing the results of the review and recommendations as to whether or not the agency should continue in existence.

The staff report issued for our board outlined issues that were encountered during the agency review along with recommendations on how the board could more effectively regulate its licensees. A recommendation to continue the operation of the board as a separate state agency has been deferred until a decision has been made on the licensing reorganization project that has been described in another article feature in this newsletter.

One recommendation that deserves mention is the strengthening of the board's enforcement authority and levels of sanctioning. A

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SUNSET REVIEW



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recommendation to increase an administrative penalty imposed on an individual out of compliance from \$2,500 per day per violation to \$5,000 per day per violation is included in the report, along with the adoption of an administrative penalty matrix that appropriately reflect the different violations of the board's act or rules. Other recommendations include the ability of the board to temporarily suspend a license under certain circumstances, to require restitution as a part of the settlement conference process, and to allow the board to issue cease and desist orders.

The board issued a formal response to the staff report in May 2004 in which it agreed with the issues or recommendations pre-

sented by sunset staff, provided additional information for the staff, or disagreed with the recommendations contained in the report. The board testified before the Sunset Commission in September 2004 to affirm its position as a state agency committed to protecting the public.

After the Sunset Commission hearings scheduled for November 16-17, 2004, the board will be in a better position to know whether the board will remain autonomous or become a part of a larger state umbrella agency. The documents related to our board can be found at the Texas Sunset Commission's website www.sunset.state.tx.us.

NATIONAL EXAMINATION

The board office has been notified that Thomson Prometric will replace The Chauncey Group International as the testing entity. Recently, Thomson Prometric acquired Capstar and its division, The Chauncey Group International, Experior Assessments, and iLearning. Thomson Prometric delivers standardized tests for over 300 clients worldwide and has a global network of testing centers in 134 countries with a staff of over 3,000 employees.

Thomson Prometric will honor the contract that the board has established with Chauncey Group International intact; consequently, no change in service and test administration is anticipated.



JURISPRUDENCE EXAMINATION

A recommendation made by the staff of the Sunset Advisory Commission relates to the administration of the board's jurisprudence examination. Specifically, the recommendation suggests that the board's examination should be administered with enough frequency and in enough locations to accommodate demand. The sunset staff recommend outsourcing the Texas jurisprudence examination for podiatric licensure to a national testing service that would have multiple testing sites throughout Texas. This recommendation would save agency staff time and money and would provide applicants with a more flexible examination schedule.

Board staff are exploring options with several test vendors regarding the computerized administration of the board's jurisprudence examination. Because of the small volume of applicants that sit for the jurisprudence examination each year, staff are investigating whether or not it can "piggy back" computerized examination administration by other state agencies in order to provide a cost-effective examination fee for applicants.

LICENSE REORGANIZATION PROJECT

Staff of the Sunset Advisory Commission reviewed 15 health professions licensing boards during 2003 & 2004. Besides reviewing the individual licensing boards, staff of the commission had the opportunity to explore the possibility of changing the organization of the licensing boards. Initially, the evaluation entailed a study of the need for the regulation; then, the study analyzed organizational options for providing the licensing functions of the health professions licensing boards. The options include consolidating programs under a health professions regulatory umbrella agency, enhancing coordination through an interagency council, or providing regulation through a standalone agency.

Sunset Commission staff found that licensing boards located at the Texas Department of State Health Services (formerly the Texas Department of Health) do not fit the core mission of delivering state health services within the new agency. Staff of the commission also found operational difficulties among small health care licensing boards, such as the TSBPME, and opportunities for “increased efficiencies and enhanced regulatory effort.”

One recommendation made in this project is to create a new agency, the Department of Health Professions Licensing, that would

house many of the health care licensing programs within the Texas Department of State Health Services, along with four autonomous licensing boards, including the TSBPME. Our board would remain intact; however, staff of the licensing board would come under the administrative oversight of the executive director of the new state agency. Legislative changes to the Podiatric Medical Practice Act would have to be made in order to incorporate the recommendations contained in the report. The sunset review date of the board would be 2017. The transfer of our regulatory program to the new state agency would occur by September 1, 2006. Board members and staff of the TSBPME have provided a compiled report commenting on the recommendations made in the report.

A report on the licensing reorganization project is on the agenda for the Sunset Advisory Commission meeting scheduled for November 16 & 17, 2004 in Austin at the State Capitol. The commission will vote on whether to accept, reject, or modify the report. Please visit the Sunset Commission’s website at www.sunset.state.tx.us to review the complete report. Search under “New Publications” to download a copy of the report.

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UPCOMING LEGISLATIVE SESSION

In accordance with the Texas Constitution, the legislature meets in regular session in Austin every two years. By statute, the legislature convenes in a regular session on the second Tuesday in January of every odd-numbered year. These sessions are limited to 140 days in duration. The constitution also allows the governor to call additional special sessions as necessary. The special session cannot exceed 30 days.

For the upcoming legislative session, keep the following dates in mind:

Tue., Jan. 11, 2005:	79th Legislature convenes at noon
Fri., March 11, 2005:	Deadline for filing bills and joint resolutions
Mon., May 30, 2005:	Last day of the 79th Regular Session
Sun., June 19, 2005:	Last day governor can sign or veto bills passed during the previous session
Mon., Aug. 29, 2005:	Date that bills with specific effective dates become law



TAKE A LOOK!

Check out our new website. The website has become more user friendly and contains a wealth of information for applicants and licensees. A new feature of the website is a FAQ section which addresses the most commonly-asked questions by licensees. Questions range from what exactly is a podiatrist's scope of practice to the kind of penalty that can be imposed for practicing podiatric medicine without a license. This electronic newsletter, itself, is an example of the features that are available on the website.

After reviewing the FAQ section of the website, let the board office know of any other questions that are commonly asked by practicing podiatrists regulated in the state of Texas. Moreover, if you feel that there are other features that should be incorporated onto our website, please let us know. We want the citizens of Texas to more thoroughly understand the practice of podiatry and which podiatrists are available to provide them with professional care and treatment of the ankle and foot. Our website is available @ www.foot.state.tx.us.



Home Page



Disciplinary Action



Frequently Asked Questions

CONTINUING MEDICAL EDUCATION CME

"The two-year period begins on November 1 and ends on October 31 two years later."

Thirty hours of continuing education must be obtained in the 24-month period once the license is issued in either an odd or even numbered year. The two-year period begins on November 1 and ends on October 31 two years later. A maximum of 10 hours above the 30-hour requirement can be carried forward for the next CME period. If you are audited, based on a random sample process, you will be required to send a copy of the actual certificate(s) of attendance for the CME hours being claimed to the board office.

If you are selected for audit and fail to submit CME documentation within 30

days after you receive audit notification or unable to provide proof of the continuing education hours claimed, you will be investigated by the board. If the investigation reveals that your requirements have not been met, you may be the subject of a disciplinary action. Read the board rules regarding the specific disciplinary actions that are imposed.

If you are deficient in CME hours, you must complete all deficient hour and present year requirements in order to maintain licensure.



TEXAS ONLINE

Licensees have been able to renew their licenses online since September 2003. The Texas Online Project through the Texas Department of Information Resources was established to provide internet access for licensees to renew their licenses in a cost effective and cost efficient manner. Furthermore, renewing licenses online allows licensees to renew at the last minute before their licenses has lapsed and considered delinquent.

Most of the health care licensing boards are utilizing the services of the Texas Online Project; however adoption (user) rates vary greatly from one licensing program to another. Last year, TSBPME had an adoption rate of 34.4%. This year, our adoption rate will surpass 76%. Board staff encourage as many licensees as possible to utilize the service which saves money, staff time and postage expenses. Keep up the good work!

"TSBPME had an adoption rate of 34.4%. This year, our adoption rate

BOARD DISCIPLINARY ACTION

David B. Anderson, D.P.M.—Ten-year probated suspension for violation of board rules relating to habits and practices that would endanger the health, well-being, or welfare of patients. Board action was taken 8/9/2004.

Floyd Atkins, D.P.M.—Letter of reprimand for failure to obtain the requisite CME hours during the required two-year period. Board action was taken 2/12/2003.

Daniel Bell, D.P.M.—\$2,500 fine for failure to obtain the requisite CME hours during the required two-year period. Board action was taken 2/12/2003.

William Blank, D.P.M.—Failure to obtain the requisite CME hours during the required two-year period. Board action was taken 8/23/2004.

Gregson Edwards, D.P.M.—Ten-year probated suspension and a \$5000 fine for failure to practice podiatry in an acceptable manner consistent with public health and welfare. Board action was taken 9/25/2002.

William S. Goldman, D.P.M.—Twelve-month probated suspension and a \$2000 fine for violating board rules relating to a podiatric physician's temperance in all things in recognition that his knowledge and skills are essential to public health, welfare, and human life. Board action was taken 2/12/2003.

Joseph E. Mechanik, D.P.M.—Probation and a \$2,500 for practicing outside the scope of practice for Podiatric Medicine and presenting inconsistent information to the board. Board action was taken 1/13/2004.

Joseph E. Mechanik, D.P.M.—Voluntary surrender of license. Board action was taken 8/9/2004.

Carlton E. Newman, D.P.M.—Attendance at required continuing education offerings for performing surgical procedures that resulted in poor patient outcomes. Board action was taken 4/5/2004.

Karen E. Tucker, D.P.M.—Five-year probated suspension for federal health care fraud. Board action was taken 1/13/2004.

Max R. Weinberg, D.P.M.—Eight-month probation for failure to practice podiatry with reasonable skill and safety to a patient as a result of a mental or physical condition. Board action was taken 6/18/2003.

Max R. Weinberg, D.P.M.—Voluntary agreement not to practice podiatric medicine in Texas pending adjudication of a criminal case. Board action was taken 8/9/2004.

John G. Welchon, D.P.M.—License suspended. Board action was taken 2/24/2004.

Daniel T. Yee, D.P.M.—Three-year probated suspension and a \$1,000 fine for failure to be temperate in all things in recognition that a podiatric physician's knowledge and skill are essential to public health, welfare, and human life. Board action was taken 8/9/2004.



Board Discipline



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